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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,691	11/20/2001	Daniel William Bailey	1662-37600 JMH (P00-3208)	9010

22879 7590 12/27/2005

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EXAMINER

BAYARD, EMMANUEL

ART UNIT	PAPER NUMBER
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2638

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,691

Applicant(s)

BAILEY, DANIEL WILLIAM

Examiner

Emmanuel Bayard

Art Unit

2638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11-22 and 24-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-36 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-7, 11-22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to amendment filed on 10/11/05 in which claims 1-7, 11-22 and 24-36 are pending. The applicant's amendments have been fully considered. This application is in condition for allowance except for the following objection matter.

Claim Objections

1. Claim 1 is objected to because of the following informalities: in line 8, before count "its" need to be replaced by the appropriate meaning or definition. Appropriate correction is required.
2. Claim 2 is objected to because of the following informalities: in line 1, before locked "digital" must be deleted to avoid antecedent basis or be consistent with claimed invention of "A locked loop system". Appropriate correction is required.
3. Claim 19 is objected to because of the following informalities: in line 3, before difference "the" must replace with ---a---. Appropriate correction is required.
4. Claim 19 is objected to because of the following informalities: in line 7 replace "count" with ---counter---. Appropriate correction is required.
5. Claims 1, 3-7 and 11-18, 20-22 and 24 are also objected because they depend on a base objected claims.

Allowable Subject Matter

6. Claims 25-36 are allowed over the prior art of record.
7. Claims 1-7 and 11-22 and 24 are objected, but would be allowable if rewritten to overcome the above objection

Conclusion

8. This application is in condition for allowance except for the following formal matters:

The objection to claims 1-2 and 19 as describe above must be corrected.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsuyama et al U.S patent No 5,754,606 teaches a clock signal.

Ghoshal U.S. Patent no 5,493,243 teaches a digitally controlled order jitter.

Gregorian et al U.S Patent no 6,371,165 teaches a digital jitter attenuator.

Vok U.S. Patent No 5,537,069 teaches apparatus and method for selecting a taap range.

Miller Jr. U.S. Patent no 6,137,325 teaches a device and methods in a delay locked loop.

Ikeda U.S. Patent No 6,441,662 teaches a DLL circuit.

Alsup et al U.S. 5,173,617 teaches a digital phase lock clock.

Prakash et al U.S. Patent No 5,648,744 teaches a system and method for voltage controlled oscillator.

Saegu sa U.S. Patent No 4,841,167 teaches a clock recovering device.

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Miller, Jr U.S. Patent 6,281,726 B1 teaches a device and method in a delay locked loop.

Tssukikawa U.S. Patent No 6,727,738 B2 teaches a configuration for generating a clock.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is 571 272 3016. The examiner can normally be reached on Monday-Friday (7:Am-4:30PM) Alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vanderpuye Kenneth can be reached on 571 272 3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Bayard
Primary Examiner
Art Unit 2638

12/21/05


EMMANUEL BAYARD
PRIMARY EXAMINER